

**STANDARDS FOR EXCHANGE OF ELECTRONIC
HEALTH INFORMATION**

2008 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill adds to the duties of the Department of Health.

Highlighted Provisions:

This bill:

- ▶ authorizes the Department of Health to adopt standards for the secure exchange of electronic health information;
- ▶ defines terms;
- ▶ authorizes the department to require individuals who elect to participate in the exchange of electronic health information to use the standards adopted by the department;
- ▶ requires the department to report to the Legislature's Health and Human Services Interim Committee concerning the adoption of the standards for the secure exchange of electronic health information; and
- ▶ coordinates rulemaking authority between the Department of Health and the Insurance Department.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

31A-22-614.5, as enacted by Laws of Utah 1993, Chapter 255

ENACTS:

26-1-37, Utah Code Annotated 1953

32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **26-1-37** is enacted to read:

34 **26-1-37. Duty to establish standards for the exchange of electronic health**
35 **information exchange.**

36 (1) For purposes of this section:

37 (a) "Affiliate" means an organization that directly or indirectly through one or more
38 intermediaries controls, is controlled by, or is under common control with another
39 organization.

40 (b) "Clinical health care information" shall be defined by the department by
41 administrative rule adopted in accordance with Subsection (2).

42 (c) "Health care provider" means a licensing classification that:

43 (i) is either:

44 (A) licensed under Title 58, Occupations and Professions to provide health care; or

45 (B) licensed under Chapter 21, Health Care Facility Licensing and Inspection Act; and

46 (ii) is listed by the department as eligible to participate in the secure exchange of
47 electronic health information by administrative rule adopted by the department in accordance
48 with Subsection (2).

49 (d) "Health Care System" shall be defined by the department by administrative rule
50 adopted in accordance with Subsection (2), and shall include:

51 (i) affiliated health care providers;

52 (ii) affiliated third party payers; and

53 (iii) other arrangement between organizations or providers as described by the
54 department by administrative rule.

55 (e) "Third party payer" means:

56 (i) all insurers offering health insurance who are subject to Section 31A-22-614.5; and

57 (ii) the state Medicaid program.

58 (2) (a) In addition to the duties listed in Section 26-1-30, the department shall, in
59 accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act:

60 (i) define "clinical health information" subject to this section;

61 (ii) define "health care system";

62 (iii) designate the health care providers who are eligible to participate in the shared

standards for the secure exchange of electronic health information; and

(iv) adopt standards for the secure exchange of electronic health information between one health care system and another health care system.

(b) The department shall coordinate its rule making authority under the provisions of this section with the rule making authority of the Department of Insurance under Section 31A-22-614.5. The department shall establish procedures for developing the rules adopted under this section which ensure that the Department of Insurance is given the opportunity to comment on proposed rules.

(3) (a) A health care provider or third party payer is required to use the standards adopted by the department under the provisions of Subsection (2) if the health care provider or third party payer elects to engage in the exchange of electronic health information between one health care system and another health care system.

(b) A health care provider or third party payer is not required to use the standards adopted by the department under the provisions of Subsection (2) if the health care provider or third party payer engages in the exchange of electronic health information within a particular health care system.

(4) The department shall report on the use of the standards for the secure exchange of electronic health information to the legislative Health and Human Services Interim Committee no later than October 15, 2008 and no later than every October 15th thereafter. The report shall include publicly available information concerning the costs and savings for the department, third party payers, and health care providers associated with the standards for the secure exchange of electronic health records.

Section 2. Section **31A-22-614.5** is amended to read:

31A-22-614.5. Uniform claims processing.

(1) Beginning July 1, 1993, all insurers offering health insurance shall use a uniform claim form and uniform billing and claim codes.

(2) The uniform claim forms and billing codes shall be adopted and approved by the commissioner in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act. The commissioner shall consult with the director of the Division of Health Care Financing, the National Uniform Claim Form Task Force, and the National Uniform Billing Committee when adopting the uniform claims and billing codes.

(3) (a) (i) Beginning July 1, 1995, all insurers shall offer compatible systems of electronic billing approved by the commissioner in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(ii) The systems approved by the commissioner may include monitoring and disseminating information concerning eligibility and coverage of individuals.

(iii) The commissioner shall coordinate the administrative rules adopted under the provisions of this section with the administrative rules adopted by the Department of Health for the implementation of the community health information exchange under Section 26-1-37. The department shall establish procedures for developing the rules adopted under this section which ensure that the Department of Health is given the opportunity to comment on proposed rules.

(b) The commissioner shall regulate any fees charged by insurers to the providers for:

(i) uniform claim forms [~~or~~];

(ii) electronic billing[~~;~~]; or

(iii) the secure exchange of electronic health information permitted by Section 26-1-37.